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April 9, 2013

VIA ELECTRONIC MAIL

The Honorable Paul A. Engelmayer
United States District Court, SDNY
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 670
New York, New York 10007-1312
EngelmayerNYSDChambers@nysd.uscourts.gov

**Re: *Kreisler v. Parker East 24th Apartments, LLC et al.*,
Civil Action No. 12-cv-04052 (PAE)**

Dear Judge Engelmayer:

This office represents Defendants Parker East 24th Apartments, LLC ("Parker East") and Parker 24 Commercial Associates (incorrectly identified in the caption as "Parker Commercial 24th Associates") ("Parker 24") in the above-referenced action. We write to advise the Court that Plaintiff has reached a settlement in principle with Defendants Parker East, Parker 24, and 305 East 24th Owners Corp. ("305 East 24th"). These parties are presently exchanging final settlement papers and anticipate filing a stipulation of dismissal *with prejudice* shortly. Also, as will be reflected in this stipulation, Plaintiff will agree to vacate the default judgment and related order issued against Parker East (*see* Docket Nos. 34 and 39). Thus, the Court need not expend further resources considering Parker East's motion to vacate, which has been fully briefed (*see* Docket Nos. 74, 75, 77, 82, 90, 95, and 101).

This settlement will not extend to Plaintiff's claims for relief against Defendants Kais Abid d/b/a Papa John's ("Abid") and Kam Four, Inc. ("Kam Four"). This action will continue as against these two defendants. However, we anticipate filing a stipulation of dismissal *with prejudice* as to the cross-claims asserted by Abid and Kam Four against Parker East, Parker 24, and 305 East 24th.

Should the Court have any questions or concerns, please do not hesitate to contact the undersigned attorney. We thank the Court for its time and attention to this matter.

ATLANTA BOSTON CHICAGO HOUSTON LOS ANGELES NEW YORK SACRAMENTO SAN FRANCISCO WASHINGTON, D.C. LONDON



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Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan
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cc: Adam T. Shore, Esq.
Gary Ehrlich, Esq.
Barry N. Frank, Esq.